

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

Jack R. Nelson (SBN 111863)
Email: jnelson@reedsmith.com
Tyree P. Jones, Jr. (SBN 127631)
Email: tpjones@reedsmith.com
Heather B. Hoesterey (SBN 201254)
Email: hhoesterey@reedsmith.com
REED SMITH LLP
Two Embarcadero Center, Suite 2000
San Francisco, CA 94111-3922

Mailing Address:
P.O. Box 7936
San Francisco, CA 94120-7936

Telephone: +1 415 543 8700
Facsimile: +1 415 391 8269

Attorneys for Defendant
Wachovia Mortgage, FSB

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

LETICIA ZAMORA and DANIEL PEREZ and
ELIZABETH PEREZ,

Plaintiffs,

vs.

WACHOVIA CORPORATION and WORLD
SAVINGS BANK,

Defendants.

No.: C 07 4603 JSW

**JOINT STIPULATION AND REQUEST FOR
FURTHER CASE MANAGEMENT
CONFERENCE**

AND ORDER THEREON

Plaintiffs Javier and Leticia Zamora and Daniel and Elizabeth Perez (“Plaintiffs”) and Defendant Wachovia Mortgage FSB, sued and f/k/a as “World Savings Bank” (“Wachovia”), by and through their undersigned counsel of record, jointly stipulate and request that this Court set a Further Case Management Conference in this action on the first available date on the Court’s calendar after January 26, 2009, in order to permit counsel to report to the Court on the status of mediation and other related issues in the action, including the presently set pretrial and trial calendar.

As the Court is aware, the parties in this action commenced private mediation before Judge Edward Infante (ret.) of JAMS on May 13, 2008, at which time they agreed to a period of limited informal exchanges of information necessary to permit further meaningful mediation discussions. The parties reported to the Court at their subsequent June 20, 2008 Further Case Management Conference that this schedule would require a short relaxation of then-pending pretrial and trial dates. The Court thereafter established a new case management schedule that, inter alia, presumed a further mediation before Judge Infante in September of 2008.

That further mediation session took place as planned on September 15, 2008. The parties believe that they made significant progress during that session. Among other things, they agreed to exchange proposals regarding specific possible settlement mechanisms and the specific claims by Plaintiffs, including Plaintiffs' prayers for prospective injunctive relief, and to then return to mediation with Judge Infante on December 22, 2008 after direct negotiation on such matters.

Shortly thereafter, in the first week of October of 2008, Wachovia's parent entity, Wachovia Corp., entered into an agreement to be acquired by Wells Fargo. This event had not been contemplated at the time that the parties set their proposed mutual calendar for further direct negotiations and mediation sessions in this action.

The acquisition of Wachovia by Wells Fargo is scheduled to close on December 31, 2008, conditioned upon appropriate shareholder approval. As of January 1, 2009, therefore, Wells Fargo will assume the authority necessary to enter into any determination of whether, and if so on what terms, the pending action could be resolved short of trial. Accordingly, and so as to permit a reasonable short time to identify and accommodate the change(s) will take place after Wells Fargo's acquisition of Wachovia is completed, the Parties stipulate that a Further Case Management

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Conference is appropriate and jointly request a that such a conference be set for the first available date on the Court's calendar after January 26, 2009.

Dated: December 1, 2008

Reed Smith LLP

By /s/ Heather B. Hoesterey

Jack R. Nelson

Heather B. Hoesterey

Attorneys for Defendant Wachovia Mortgage, FSB

Dated: December 1, 2008

Bonnett, Fairbourn, Friedman & Balint P.C.

By /s/ Andrew S. Freidman

Andrew S. Friedman (pro hac vice)

Lead Interim Class Counsel

A further case management conference is HEREBY SET for February 20, 2009 at 1:30 p.m. A joint case management statement shall be filed no later than February 13, 2009.

IT IS SO ORDERED.

Dated: December 2, 2008


JEFFREY S. WHITE
DISTRICT COURT JUDGE

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